

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

CHAMBER OF COMMERCE OF
THE UNITED STATES OF
AMERICA; FORT WORTH
CHAMBER OF COMMERCE;
LONGVIEW CHAMBER OF
COMMERCE; AMERICAN
BANKERS ASSOCIATION;
CONSUMER BANKERS
ASSOCIATION; and TEXAS
ASSOCIATION OF BUSINESS,

Plaintiffs,

v.

CONSUMER FINANCIAL PROTECTION
BUREAU; and ROHIT CHOPRA, in his
official capacity as Director of the Consumer
Financial Protection Bureau,

Defendants.

Case No.: 4:24-cv-213-P

DEFENDANTS' MOTION TO DISSOLVE THE PRELIMINARY INJUNCTION

Defendants the Consumer Financial Protection Bureau and Rohit Chopra (collectively, the Bureau) respectfully move to dissolve the preliminary injunction granted in the Court's May 10 order, ECF No. 82, and to lift the stay of the Bureau's Late Fee Rule. As the Bureau explains in its accompanying brief, the Court should dissolve the preliminary injunction because its analysis of Plaintiffs' likelihood of success on the merits rested entirely on the Fifth Circuit's holding in *Community Financial Services Ass'n of America, Ltd. v. CFPB*, 51 F.4th 616, 638 (5th Cir. 2022), which the Supreme Court has since reversed, *see CFPB v. Cmty. Fin. Servs. Ass'n of Am., Ltd.*, 601 U.S. 416, 435 (2024). That substantial change in the law governing Plaintiffs' constitutional

claim requires dissolving the Court's preliminary injunction. Although Plaintiffs raised several statutory grounds for relief in their preliminary injunction motion, they have not established a likelihood of success on any of them. The Court should therefore dissolve the preliminary injunction and lift the stay of the Bureau's Late Fee Rule.

DATED: July 8, 2024

Respectfully Submitted,

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/s/ Stephanie B. Garlock
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CERTIFICATE OF CONFERENCE

I hereby certify that on July 8, 2024, I communicated by email with counsel for Plaintiffs, who indicated that Plaintiffs oppose the motion to dissolve the preliminary injunction.

/s/ Stephanie B. Garlock
STEPHANIE B. GARLOCK

CERTIFICATE OF SERVICE

I hereby certify on July 8, 2024, a true and correct copy of this document was served electronically by the Court's CM/ECF system to all counsel of record.

/s/ Stephanie B. Garlock
STEPHANIE B. GARLOCK